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SUBJECT: PREVAL APPOINTS FORMER JEAN DOMINIQUE PROSECUTOR

Classified By: AMBASSADOR JANET A. SANDERSON, REASONS 1.4(B) AND (D).

1.(U) President Preval on August 18 announced his appointment of Claudy Gassant to the position of chief investigating magistrate ("Commissaire du Gouvernement," the equivalent of a district attorney) for the West Department, which includes Port-au-Prince. This highly visible and influential position has responsibility for investigating, prosecuting and assigning judges to criminal cases within the department.

¶2. (C) As a lower-level magistrate, Gassant investigated the April 3, 2000 murder of popular radio journalist and Aristide critic Jean Dominique. Gassant's principal suspect was former army officer and notorious Lavalas militant Danny Toussaint, who as a Lavalas senator at the time of the murder and investigation enjoyed parliamentary immunity. After the succession of Jean Bertrand Aristide to the presidency in February 2001, the Aristide government obstructed Gassant's investigation, removing his investigative staff and security detail, while Aristide allies, notably then-Senate President Yvon Neptune openly ridiculed Gassant's efforts. Citing ongoing personal attacks, including death threats, Gassant fled Haiti for Florida in the summer of 2001, returning to Haiti only to accept his most recent appointment.

¶3. (C) Comment: Gassant is a talented and well-educated lawyer, having received two years of special judicial training in France immediately prior to his appointment as magistrate under the previous Preval administration. Gassant developed a reputation for being politically independent, aggressive and honest, though also arrogant and abrasive (Note: Gassant is already talking to the press, guaranteeing improved overall police performance, an area for which he does not have responsibility). Prime Minister Alexis indicated that the government hoped Gassant would be able to mitigate the impact of judicial corruption through his authority to assign cases. The PM indicated that the government is, at least for the moment, uncomfortable with the idea of effectively firing corrupt judges, though Haitian legal experts maintain that the minister of justice has that power. The commissaire may also bring criminal charges against corrupt officials. Marie Yolene Gilles, representing the Haitian Human Rights Network (a strong advocate of judicial reform), called Gassant "the perfect man for the job."

14. (C) Comment continued: Dominique was among Preval's closest friends and confidantes. Many Haitians viewed Dominique's murder not only as a reaction to his criticism of Aristide but as a warning to Preval and further demonstration of Preval's impotence in the face of Lavalas power during his first term. To close observers, including Aristide himself, Gassant's appointment signals a further affront to Aristide and his loyalists. This affront will be magnified if Gassant re-opens, as many Haitians expect, his investigation into Dominique's murder.
SANDERSON